No. 80-581

IN THE

Supreme Court of the United States

OCTOBER TERM, 1980

COMMONWEALTH EDISON COMPANY, CENTRAL ILLINOIS LIGHT COMPANY, DAIRYLAND POWER COOPERATIVE, DETROIT EDISON COMPANY, INTERSTATE POWER COMPANY, LAKE SUPERIOR DISTRICT POWER COMPANY, LOWER COLORADO RIVER AUTHORITY/CITY OF AUSTIN, MINNESOTA POWER & LIGHT COMPANY, NORTHERN STATES POWER COMPANY, UPPER PENINSULA GENERATING COMPANY, WISCONSIN POWER & LIGHT COMPANY, DECKER COAL COMPANY, PEABODY COAL COMPANY, WESTMORELAND RESOURCES, INC. and WESTERN ENERGY COMPANY, *Appellants,*

-against-

STATE OF MONTANA, THOMAS L. JUDGE, GOVERNOR OF MONTANA, MARY CRAIG, DIRECTOR OF THE STATE DEPARTMENT OF REVENUE, and DAVID M. LEWIS, DIRECTOR OF ADMINISTRATION AND STATE TREASURER, *Appellees.*

On Appeal From The Supreme Court Of The State Of Montana

BRIEF AMICI CURIAE

ANN B. VANCE
204 Russell Senate
Office Bldg.
Washington, D.C. 20510
(202) 224-6441
Counsel of Record

DENNIS CHARLES STICKLEY
6205 Dirksen Building
Washington, D.C. 20510
(202) 224-3424
Legislative Counsel

PRESS OF BYRON S. ADAMS PRINTING, INC., WASHINGTON, D.C.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1980

No. 80-581

COMMONWEALTH EDISON COMPANY, *et al.*,
Appellants,

-against-

STATE OF MONTANA, *et al.*,
Appellees.

On Appeal From The Supreme Court Of The State Of Montana

BRIEF AMICI CURIAE

This brief amici curiae is filed by the following Wyoming Congressmen: Senator Malcolm Wallop, Senator Alan K. Simpson, and Representative Richard B. Cheney.

INTEREST OF THE AMICI CURIAE

The amici are representatives of one of this Nation's major coal producing states. Wyoming is suffering sorely from the environmental and socio-economic impacts of large scale coal mining and energy development. The amici believe that the standards for determining what local taxes should be imposed on coal mining, to provide the benefits of a civilized society, are political questions for the state legislatures and are beyond the institutional competence of the federal judiciary. This brief also serves to inform the Court that Congress is far from being united in its approach to the issues involved in this case.

ARGUMENT

To avoid burdening the court with redundant arguments, amici adopt and hereby incorporate by reference the arguments so eloquently made in the brief amici curiae for the State of Wyoming.

CONCLUSION

For the reasons stated by the Wyoming amici, the judgment of the Supreme Court of the State of Montana should be affirmed.

Respectfully submitted,

ANN B. VANCE

Attorney for Amici Curiae

February 23, 1981